

ABSTRAK

Penelitian ini bertujuan untuk menganalisis perlindungan hukum bagi kreditur atas kekurangan pembayaran utang setelah pelaksanaan eksekusi jaminan gadai dengan menggunakan perspektif teori perlindungan hukum, serta menilai putusan pengadilan berdasarkan teori keadilan guna mengetahui apakah putusan tersebut telah mencerminkan keadilan bagi kreditur. Permasalahan tersebut dikaji melalui analisis Putusan Pengadilan Negeri Tegal Nomor 43/Pdt.G/2020/PN Tgl, yang menunjukkan bahwa hasil eksekusi jaminan gadai tidak mampu melunasi seluruh kewajiban debitur sehingga masih terdapat kekurangan pembayaran utang. Dalam putusan tersebut, debitur dinyatakan wanprestasi dan tetap dibebani kewajiban untuk melunasi sisa utang, sehingga menimbulkan persoalan mengenai kecukupan perlindungan hukum bagi kreditur dalam memperoleh pemenuhan haknya.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan Peraturan Perundang-Undangan dan pendekatan kasus, khususnya melalui analisis Putusan Pengadilan Negeri Tegal Nomor 43/Pdt.G/2020/PN Tgl. Data yang digunakan merupakan data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier, yang dianalisis secara kualitatif melalui penafsiran hukum.

Hasil penelitian menunjukkan bahwa berdasarkan teori perlindungan hukum, perlindungan preventif bagi kreditur telah diatur dalam perjanjian utang piutang serta ketentuan dalam Peraturan Otoritas Jasa Keuangan Nomor 39 Tahun 2024 tentang Pegadaian, namun belum mampu menjamin terpenuhinya hak kreditur ketika terjadi kekurangan pembayaran utang setelah eksekusi jaminan gadai, sehingga diperlukan perlindungan hukum represif melalui pengajuan gugatan ke Pengadilan Negeri Tegal. Selanjutnya, berdasarkan teori keadilan, Putusan Pengadilan Negeri Tegal Nomor 43/Pdt.G/2020/PN Tgl telah mencerminkan keadilan prosedural karena sesuai dengan ketentuan hukum acara, tetapi dari aspek keadilan substantif belum sepenuhnya memberikan keadilan bagi kreditur karena masih terdapat ketidakseimbangan dalam pemenuhan hak atas sisa kekurangan pembayaran utang.

Kata Kunci: Perlindungan Hukum, Kreditur, Gadai, Kekurangan Pembayaran Utang

ABSTRACT

This study aims to analyze the legal protection for creditors regarding the deficiency of debt payment following the execution of pledged collateral using the perspective of legal protection theory, as well as to assess court decisions based on the theory of justice in order to determine whether such decisions reflect justice for creditors. The issue is examined through the analysis of the Tegal District Court Decision Number 43/Pdt.G/2020/PN Tgl, which indicates that the execution of pledged collateral was insufficient to fully satisfy the debtor's obligations, resulting in a deficiency of debt payment. In the decision, the debtor was declared in default and remained obligated to settle the remaining debt, thereby raising issues concerning the adequacy of legal protection for creditors in obtaining the fulfillment of their rights.

This research employs a normative juridical method with statutory and case approaches, particularly through the analysis of the Tegal District Court Decision Number 43/Pdt.G/2020/PN Tgl. The data used are secondary data consisting of primary, secondary, and tertiary legal materials, which are analyzed qualitatively through legal interpretation.

The results show that, based on legal protection theory, preventive legal protection for creditors has been regulated in debt agreements as well as in the Financial Services Authority Regulation Number 39 of 2024 concerning Pawnshops. However, such protection has not been sufficient to guarantee the fulfillment of creditors' rights when a deficiency of debt payment occurs after the execution of pledged collateral, thus requiring repressive legal protection through filing a lawsuit to the Tegal District Court. Furthermore, based on the theory of justice, the Tegal District Court Decision Number 43/Pdt.G/2020/PN Tgl reflects procedural justice as it complies with procedural law, but from the perspective of substantive justice, it has not fully provided justice for creditors due to the imbalance in the fulfillment of rights regarding the remaining debt.

Keywords: Legal Protection, Creditor, Pledge, Deficiency of Debt Payment